

**MINUTES
FREMONT CITY COUNCIL MEETING
APRIL 3, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Morrison called the meeting to order.
- b. Flag Salute:** Vice Mayor Natarajan led the salute to the flag.
- c. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **b. Approval of Minutes – None.**

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

a. Oral and Written Communications

Paul Gumina, an attorney for Bella Vina, LLC, shared that they had submitted a second summary update to the Planning Department for the Kimber Study Area. Mark Wedley expressed concerns for vaccinated animals.

5. SCHEDULED ITEMS

- a. **Mayor Morrison opened consideration of a Public Hearing (Published and Posted Notice) to Consider a General Street and Easement Vacation affecting 1.45 Acres of Land Located at the Easterly Terminus of Gateway Boulevard between Interstate 880 and Lakeview Boulevard in the Bayside Industrial Community Plan Area (PLN2012-00086)**

*This item added to Consent Calendar

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council:

1. Held a public hearing.
2. Found the proposed General Vacation (PLN2012-00086), as depicted and described on Exhibit "A," is in conformance with the General Plan for the reasons stated in the body of this report.
3. Found PLN2012-00086, as depicted and described on Exhibit "A," fulfills the applicable criteria set forth in Section 8324 of the Streets and Highways Code in that the portions of Gateway and Lakeview Boulevards and associated easements to be vacated are not now, nor will they in the future, be required for public street or easement purposes.
4. The General Vacation shall conform to Exhibit "A."
5. Adopted Resolution No. 2012-15 conditionally vacating the portions of Gateway and Lakeview Boulevards and associated easements and reserving landscape and public utility easements as described and depicted in Exhibit "A." The vacation is conditional and shall not be recorded or effective until all of the following have occurred:
 - a. The applicant shall obtain appropriate permits for and complete the following work: demolish the existing street improvements within the vacated portion of Gateway and Lakeview Boulevards; and install complete street improvements along Lakeview Boulevard (across the former Gateway Boulevard), subject to approval and acceptance by the City Engineer.
 - b. The applicant shall obtain a permit to remove twelve existing Fremont poplar trees within the vacated street and easements, and plant and maintain twelve, 24-inch box "Yarwood" London plane trees along the site's Lakeview Boulevard street frontage.
 - c. The applicant shall provide evidence that it has executed and delivered to Caltrans, in a form satisfactory to Caltrans, grant(s) of a new ten-foot wide electrical facilities easement located within the portions of Gateway and Lakeview Boulevards to be vacated.
6. Directed that upon completion of the conditions listed in item 5, above, that the resolution vacating a portion of Gateway and Lakeview Boulevards right-of-way and easements to Peery/Arrillaga shall be recorded.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

b. Mayor Morrison opened consideration to Review and Consider the Niles Canyon Road Truck Restriction Project Initial Study and Provide Direction to Staff on Whether to Proceed with Caltrans' Truck Restriction Process

Public Works Director Jim Pierson, Transportation Engineer Kunle Odumade and consultant Mark Spencer provided a summary of the study. Mayor Morrison opened the public hearing. Vinnie Bacon, Michelle Powell, Kimberly Harbin, Mike Dubinsky, Robert Foster and Patricia Stillman expressed several concerns related to the study. There were no other speakers. Mayor Morrison closed the public hearing. Another question and answer period followed. Councilmembers provided comment.

On a motion by Councilmember Dutra, seconded by Vice Mayor Natarajan, the City Council received the presentation and decided not proceeding further for the reasons outlined in the staff report.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

c. Mayor Morrison opened consideration of a Public Hearing (Published Notice) to Introduce an Ordinance Amending the Fremont Municipal Code in order to Establish Large Family Day Care Homes as Accessory Permitted Uses in all Residentially-Zoned Districts Citywide (PLN2011-00146)

*This item added to Consent Calendar

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council:

1. Held a public hearing.
2. Found that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because the proposed modifications to the existing permitting process for large family day care homes does not have the potential to create a significant environmental impact.
3. Found the Zoning Text Amendment is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Public Facilities, Land Use, and Economic Development Chapters as discussed in the staff report.
4. Found the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment because it supports the provision of large family day care homes in residentially-zoned districts Citywide, thereby advancing both the State Legislature's intent to support provision of these facilities and the City of Fremont's support of that legislative intent through the General Plan policies described herein while maintaining compliance with State law pertaining to large family day care homes.

5. Introduce an ordinance approving the proposed Zoning Text Amendment establishing large family day care homes as accessory permitted uses in all residentially-zoned districts citywide (PLN2011-00146).
6. Direct staff to prepare and the Clerk to publish a summary of the ordinance.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

- a. **Mayor Morrison opened consideration of the Draft Climate Action Plan, including Actions for Reducing Greenhouse Gas Emissions, and Green Building Requirements for Non-residential Buildings, and to Provide Direction to Staff on Next Steps (PLN2011-00105)**

Associate Planner Amy Rakley provided a PowerPoint presentation. Staff responded to questions from Councilmembers. Mayor Morrison opened the item for public comment. Doreen Roberts, Cowboy Bob, Tony Doot and David Stark (all representing Bay East Association of Realtors), Rich Godfrey (Green Task Force), Timothy May (Rental Housing Association, serving Southern Alameda County), George Duarte (Fremont Chamber of Commerce chairperson of Government Affairs), Bill Cantrell, David Bonaccorsi, and Evan Edgar (Fremont Recycling & Transfer Station) expressed a variety of concerns regarding potential issues. There were no other speakers. Mayor Morrison closed public comment. Staff responded to additional questions from Councilmembers.

City Council provided direction to staff on desired changes and next steps for the Draft Climate Action Plan. City Council directed staff to prepare a draft ordinance for public comment that establishes a mandatory green building requirement for non-residential projects exceeding a size threshold to-be-determined, as permitted by State law.

8. COUNCIL COMMUNICATIONS

- a. **Council Referrals**

1. **COUNCILMEMBER CHAN REFERRAL:** Energy efficient electric cars are becoming more prominent in the Bay Area. Per our updated General Plan, we have committed to building Electric Vehicle (EV) charging stations and the associated infrastructure.

- Mobility Policies "promote public solar plug-in hybrid fueling stations".

- Implementation 3-3.9: Alternative Fuel Vehicles - "encourage the development of a network of plug-in stations for hybrid, electric, or other alternatively fueled vehicles. In particular, locations where cars are driven short distances and then parked for long periods, such as transit station lots and park & ride lots, should be prioritized as plug-in-station locations.
- Implementation 9-2.1E: Evaluate alternative fuel vehicles of City use and continue to purchase energy efficient vehicles.

ABAG, the Bay Area Climate Collaborative (BACC), EV Communities Alliance, and the Bay Air Quality Management District have developed Ready, Set, Charge, California! A Guide to EV Ready Communities, which provides CA public agencies with guidance on how to advance community electric vehicle (EV) readiness. This guide http://www.baclimate.org/images/stories/actionareas/ev/readysetcharge_evguidelines.pdf provides standardized policies, ordinances and best-practices, providing a consistent framework for deployment of EVs and EV infrastructure including information on signage, ADA compliance, permitting and other key matters. The guidance will support local governments enabling acceleration of electric vehicle adoption to deliver cost savings to drivers, healthier communities, and safeguarded natural resources.

I am proposing that we use this resource to establish our own local EV guidelines as appropriate.

City Council requested staff include this in the Climate Action Plan.

2. VICE MAYOR NATARAJAN REFERRAL: As a follow up to the culmination of initial consultant studies for the Warm Springs/South Fremont area around the BART station, I would like for the Council to consider as a next step the City's participation in a National Technical Advisory Panel of the Urban Land Institute (ULI). This will help build on the information we have with the current EDA funded study and more importantly, raise the visibility of the site and its potential to a national level.

ULI has panel options. I would recommend the three-day panel in order to obtain a detailed analysis of the possibilities with a focus on design and implementation strategies that will feed into the development of the Community Plan. The fee for this program is around \$60,000.

According to the ULI, the advisory services panels provide strategic advice on land use and real estate development issues. Panels link developers, public agencies, and other sponsors to the knowledge and experience of ULI and its membership. Established in 1947, this fee-based program has completed over 600 panels, in 47 states, 12 countries, and 4 continents.

I would like staff to research the various options with ULI and report back to Council.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Dutra, the City Council:

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. SUCCESSOR AGENCY

- a. Mayor Morrison opened consideration of Successor Agency to the Former Redevelopment Agency, Approving an Amended Recognized Obligation Payment Schedule for January Through June 2012, Approving an Administrative Budget for February Through June 2012, Approving a Recognized Obligation Payment Schedule and Administrative Budget for July Through December 2012, and Directing the City Manager to Take all Actions Necessary to Effectuate Associated Requirements of ABX1 26**

*This item added to Consent Calendar

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council adopted Resolution No. SA-2012-2 of the City Council, in the capacity as governing board of the Successor Agency to the former Redevelopment Agency, including the following:

1. Approving the Amended First Recognized Obligation Payment Schedule (ROPS);
2. Approving the First Administrative Budget
3. Approving the Second Recognized Obligation Payment Schedule
4. Approving the Second Administrative Budget; and
5. Authorizing the City Manager or his designee to take such actions and execute such other documents as are appropriate to effectuate the intent of the resolution and all actions necessary to effectuate associated requirements of the Dissolution Act.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

10. ADJOURNMENT: There being no further business, Mayor Morrison adjourned the meeting at 9:55 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

*Consent Items